Sectt. II-27—104,006—4-11-49.

H E A L T H **(195 0) Department.**

Ms. **SERIES.**

G.O. NO. (Ms) 4130 Health

Dated the 6th DECEMBER, 1950.

[Despatch Abstract.]

Land Acquisition - South Kanara District - Udipi taluk, Mudanidambur village - S.No.123/4 B2 and 5B - Land required for additional accommodation for the Government Hosptial Udipi - Declaration under Section 6 of the Act - Published.

REVENUE DEPARTMENT
SUBJECT

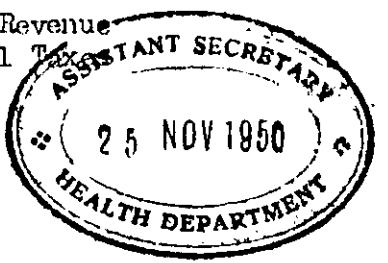
LAND ACQUISITION-(South Kanara) Udipi taluk Mudanidambur village- S.No.123/4 B2 and 5B- for additional accomodation for the Government Hospital Udipi - Draft Declaration submitted.

41998

Station: Madras Ref.I.6379/50-2 dated 23/11/50

From

Sri N.C.Thomas, B.A., Joint Secretary, Board of Revenue
Sri V.N.Kudva, I.C.S., Commissioner of Commercial Taxes



Read: From the Collector R.Dis.26378/49 dated 14/9/50
-do- L.Dis.26300/50 dated 12/10/50

- - - -

REFERENCE:—

Submitted to the Government.

2. The Board recommends that the objections to the acquisition may be over ruled and that the draft declaration under section 6 of the Land Acquisition Act submitted by the Collector of South Kanara may be approved and ordered to be published in the Fort St George Gazette.

for Joint Secretary

To
skr. The Secretary to Government, Health Department with enclosures in original
23/11

R.Dis.26378/49 South Kanara Collector's Office
Mangaloredated 14--9--1950.

Fr m

Janab Syed Ahmed B.Sc.(Hons.)
Collector of South Kanara.

To

The Secretary to the Government,
Health Department,
Fort St.George,
M A D R A S - 9

Through

The Secretary to the Board of Revenue,
Land Revenue, Chepauk,
M A D R A S - 5

Sir,

LAND ACQUISITION - Udipi Taluk + Mudanidambur village- S.No.123/4B2 - and 5 B - For additional accomodation for Government Hospital Udipi - Draft declaration - submitted.

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Ref:- G O.No.Ms.1884 (Health Department) dated 26-5-50.

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In G.O.No.Ms.1884 (Health Department) dated 26-5-50, the Government approved the draft 4(1) notification under the Land Acquisition Act for the acquisition of 0.22 acres of private lands of Mudanidambur village of Udipi Talk. The 4(1) notification in this case was published at page 206 of Part 1A of Fort St.George Gazette dated 6-6-1950.

2. The District Medical Officer South Kanara applied for these lands for the purpose of extension of Government Hospital Udipi. The acquisition was sanctioned by the Surgeon General Madras.

3. Notices under section 4(1) and 5A of the act were issued by the Revenue Divisional Officer Coondapur to all the persons interested in the lands and 4 objection petitions were received in response from (1) Sri Shivaramayya, Mulgenidar of S.No.123/4B2 (2) Sri Krishnaraya Shetty Mulegendar of S.No.123/4B2 (3) Sri Anantha Krishna Rao, Mulgenidar of S.No.123/5B and (4) The General Investment and Commercial Corporation Ltd.Udipi Mulgenidar of S No.123/5B. I enclose a copy of Coondapur Revenue Divisional Officer's R.Dis.8546/49 dated 1-9-50 wherein the Revenue Divisional Officer has dealt with all the objection raised by the petitioners. In the circumstances reported by him, I submit that the objection petitions may be rejected. The enclosed draft declaration under section 6 of Land Acquisition Act may be therefore ordered to be published in the Fort St.George Gazette at an early date. The lands do not contain any religious buildings tombs or Graveyards.

4. The objection petitions received in original, notices under 4(1) and 5A of Land Acquisition Act served on the parties, a topo-sketch of the plots to be acquired and a statement reconciling the difference in the area of the plot S.No.123/5B are enclosed.

Yours faithfully

For Collector.

Copy to the Revenue Divisional Officer Coondapur. The connected records are enclosed.
SR/16-9

1619

The D.M.S also recommends the proposal.

The circumstances under which the total payable remuneration to the practitioner was restricted to Rs. 750/- a year are explained in the notes at pages 1-5 N/f of G.O no 3387 H dated 27-9-1950. There does not seem to be a strong case to revise the orders in G.O. no. 3387 H dated 27.9.1950

For orders.

The maximum fixed in D/18 Cf is only arbitrary vide D/5 N.f. When the practitioner has done actual work throughout the year, payment for all the days need not be grudged. The Commr's request as recommended by the D.P.H. may be granted. L.A. may see.

11/12/51 SRSK 11/12/51

Health Dis.
57386 L/57-1 Heal
11.12.57.

The proposal at 'A' above may be agreed to and the file returned to the Health dept.

14/12/57. 15.12.57

12.51

LOCAL ADMINISTRATION DEPT. 13 DEC 1951 52256 SECRETARIAT MADRAS

Secy

Health.

L1.

Please see the notes of L.A above. They have agreed with the views of this dept at 'A' above. A draft order is submitted for approval

21/12/51

20/12/57

ASSISTANTS 61890 1 DEC 1951 SECTION

Lr no 52256/b1)-g 15/12/57

Copy of Letter R.Dis. 8546/49 dated 1-9-1950 of the Revenue Divisional Officer, Coondapur to the Collector of South Kanara

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LAND ACQUISITION - Udipi Taluk - Mudanidambur village - S.Nos. 123/4B2 & 5B - acquisition for the extension of Government Headquarters Hospital, Udipi -Draft declaration - submitted.

Ref:-Your R.O.C.No.26378/49 dated 6-7-1950.

I submit her with the draft declarati n under Sec. 6 of the land Acquisition Act in respect of the above land acquisition case. The mulgenidars of the plots object to the acquisition on the ground that the plots concerned are required by them for erecting latrines. Theobjection of each party is dealt with below.

1)S.No.123/4B2 - 0.09 acre - Mulidars - 1) Manjappa Shetty and Sundar Shetty.
2) Muligenidars 1) Shivaramaya and
2) Krishnayaya Shetty.

The Mulidars have no objection to the proposed acquistiion.

a) OBCTION PITITION OF S IVARAMAYA -The western portionof the plot as marked in pencil in the topo-sketch is in thepossession of the objection petitioner on mulgeni right. He states that the plot is required for his use and that according to the directions of the Udipi municipal council he has repaired the latrine already existing in theplot. The petitioner has got the remaining portionof the plot Viz.S.No 123/4B1, situated to the. north of the plot proposed for acquisition. That portion can very well be made use of by the petitioner for the urpose of constructing a latrine etc., Moreover the plot is required for providing additional accomodation to t e Government Headquarters Hospital, Udipi for the benefit of many in-patinets. The interest of thepetitioner cannot predominate over the needs of numerous in-patients. I am therefore of opinion that the objection of the petitioner is untenable and may be turned down.

b) OBJECTIONPETITIONOF KRISHNARAYA SETTY - The eastern portion of thepl t and also the western portio of S.No. 123/5B as marked in pencil in the topo-sketch is under the enjoyment of the objection petitioner on mulgeni right. The main contention of the petitioner is that theland is required by him for erecting a latrine and that he has no other land for the purpose. This is not correct. He has got ample land near his house which is situated to the East of S.No.123/5B and his objection may be over-ruled as the plot under acquisition is required for an important public purp se as stated above.

(11) S.No.123/5B - 0.14 acre - muldar - Janab Muhammad Usman Saheb

MULGENIDARS -1)Ananthakrishna Rao, 2) The General Investment & Commercial CorporationLtd.,Udipi 3. Krishnaraya Shetty. The mulidar hasno objections to the proposed acq-isition. The objections of Krishnaraya Shetty (No.3) have already been dealt with in para 1 (i) (b) above.

(a) OBJECTION OF ANANTHAKR SHNA RAO.

The nature of theobjections is the same as that explained in para 1(i) (a) and(b) above. The plot S.No. 123/6A existing to the north of the plot proposed for acquisition is in possession of thepetitioner on mulgeni and this plot will serve the need of the petitioner and there is sufficient back yard in the portion left out of acquisition wherein, he can construct his latrine. For the reason already explained above his objections do not deserve any considerationand may be rejected.

(b) OBECTION PETITION OF THE G.NERAL INVESTI ENT AND COMME CIAL CORPORATION LTD. UDIPI. The objectionpetitioner represents that a licence (enclosed) to erect a latrine in S.No. 123/5B was granted to the corporation in R.Dis. 5464/49 dated 3-2-50 of the Udipi Municipal council for the use of the adjoining Cittaranjan building, where a number of boarders are accommodated and that the portion belonging to the corporation in the plot under acquisition has been bought by the petitioner mainly for erecting a latrine and that therefore the plot isnot available for acquisition. It is a fact that alicence was issued to the petitioner to erect a latrine inS.No.123/5B proposed for acquisition. The plot S.No.110/A/3A1 of Shivalli in which the Chittranjan buildings are located, contains the necessary latrines for the use. In a growing town it will not be possible to have wide vacant site for a latrine which is far away from the main building and the existing latrines are used by the residents and they areadequate to met the requirements of the petitioner. For the reason already explained above, there is no force in the contention of the petitioner. Theobjections may therefore be over-ruled.

Ordinarily in land acquisition, cases, especially within the municipalities, objections from the interested persons are found to arise, as theparties are reluctant to part with their lands. considering the purpose for which the lands are required their objections, are generally not given any weight. The plots in this case are required for a public purpose, which is an important one. As such the objections of the parties are not worth any consideration.

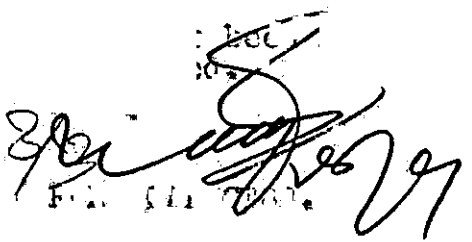
According to the draft 4(1) notification the extent of S.No. 123/5B proposed for acquisition is 0.13 acre, while the extent of the plot noted in the draft declaration is 0.14 acre. This is due to the fact that the extent of this plot was altered by the Dt. Surveyor during the preliminary scrutiny of the S.D.records. The S.D.records (page 1-20) are enclosed for reference and return. The extent of S.No.123/4B2 has not been altered. A statement reconciling the difference in thearea of the plot S.No.123/5B is enclosed.

3. The objection petitions received in original and the records of 5.A enquiry, the notices served on the persons concerned and the records of enquiry (pages 1 to 104, are enclosed for referenc and return. Topo-sketch in duplicate are also enclosed.

/True copy/

VR-19.9.

reconciling the difference ered of the plot



C.41998/50

Health (H2) Dept.

Land Acquisition - South Kanara District - Udipi taluk, Mudanidambur village - S.No.123/4 B2 and 5B - Land required for addl. accommodation for the Govt.Hl. Udipi - ~~Notification~~ Declaration under Section 6 ~~6~~ published.

51/6-12-50

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From the Collector of South Kanara, Mangalore, R.Dis. 26378/49 dated 14-9-50.

From the Joint Secretary, Board of Revenue, Ref.I.6379/50-2 dated 23-11-50.

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G.O.Ms.No. 4130 Health, Dated 6-12-50

The Govt. agree with the Board of Revenue that the objections to the acquisitionof land reqd.for the Govt.Hl. Udipi may be over-ruled. The draft declaration under Section 6 of the Land Acquisition Act submitted by the Collector of South Kanara with his letter cited is approved and will be published in English in the Fort St.George Gazette.

To the S.G.P., (with a notification for publication - copy of page 4 c.f.)

To the Collector of South Kanara, Mangalore, (with papers at 'X' below).

To the Board of Revenue, Chepauk, Madras-5.

Copy to the S.G. s/c.

S/2 29.11.50. M 1-12-50 AW 6/12/50.

Note:

Draft above is subd. for approval.

S/2 29.11.50. M 1-12-50 S

Shouldn't Rev see when objections have been raised?

AW 6/12/50.

Subd. Instruction 86 of the Secretariat instructions states that Land Acquisition is a subject allot- Rev.Secretary, but notifications under Se Act, and declaration under Sec.6 of the Act e issued in the department of the

to mention.

the Revenue Department should see the case.

In the two precedents placed below, Rev.Department have not seen the cases. As the Board of Revenue have recommended that the objections may be overruled and that the draft declaration under Sec. 6 of the L.A.Act be approved and ordered to be published, it seems unnecessary to trouble Rev.Dept. But if Secretary considers that Rev., may perhaps see the draft order overleaf, the file may be marked for Rev.,

2.12.50.

mm
2125°

Rev need not be troubled. Done
to 5/12/50.